

AMENDED IN SENATE APRIL 27, 2004

AMENDED IN SENATE APRIL 13, 2004

SENATE BILL

No. 1592

Introduced by Senator Torlakson

February 20, 2004

An act to add Section 65458 to the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 1592, as amended, Torlakson. Local planning.

~~The~~

(1) *The* Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes a housing element, land use element, and an open-space element. The law authorizes the preparation of specific plans for the systematic implementation of the general plan.

This bill would, except as specified, require each city and each county to adopt or ~~update~~ *amend* an infill ordinance or specific plan that identifies potential infill sites and specifies appropriate zoning to encourage infill development on vacant and underutilized parcels. It would require the infill ordinance *or specific plan* to provide at least 5 incentives for infill housing, as specified, as well as an affordable housing strategy. By imposing additional duties upon local officials, this bill would create a state-mandated local program.

~~The~~

The bill would also require (1) each city and county to comply with these provisions no later than one year from the date specified for the next revision of its housing element that occurs after January 1, 2009,

and (2) beginning October 1, 2007, the Office of Planning and Research and the Department of Housing and Community Development to monitor these provisions.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65458 is added to the Government
2 Code, to read:
3 ~~65458. (a) One year following the next major revision of the~~
4 ~~general plan, each city and each county shall adopt or update an~~
5 65458. (a) Each city and each county shall adopt or amend
6 an infill ordinance or specific plan that identifies potential infill
7 sites within the jurisdiction and specifies appropriate zoning for
8 each infill site to encourage infill development on vacant and
9 underutilized parcels. The infill ordinance *or the specific plan*
10 shall provide at least five of the following incentives for infill
11 housing, as well as an affordable housing strategy, for the
12 designated infill sites:
13 (1) Flexible and clear urban design guidelines and clear
14 procedures for review.
15 (2) Increased densities.
16 (3) Minimum densities.
17 (4) Increased building heights.
18 (5) Reduced development impact fees and services fees where
19 allowable.
20 (6) Establishment of a business improvement district or
21 community facilities district.
22 (7) Reduction of minimum lot sizes or allow for single-family
23 detached condominiums.
24 (8) Incentives for mixed use projects.
25 (9) Higher densities and lower parking requirements near
26 transit stations.



1 (10) Establishment of a housing trust fund.

2 ~~(b) For purposes of this section, “upon the next revision of the~~
3 ~~general plan” means the next revision of the housing element~~
4 ~~according to the Department of Housing and Community~~
5 ~~Development revision schedule, but no sooner than 2009.~~

6 *(b) The legislative body of each city and county shall comply*
7 *with this section no later than one year from the date specified in*
8 *Section 65588 for the next revision of its housing element that*
9 *occurs after January 1, 2009.*

10 (c) The provisions of this section shall not apply to either of the
11 following:

12 (1) A city or county that ~~makes a finding on~~ *annually adopts*
13 *an ordinance that finds, based on substantial evidence in the*
14 *record that it has an existing ordinance or specific plan that*
15 *substantially complies with the requirements of this section.*

16 (2) A county with a population of 100,000 or less, and a
17 population growth rate of less than ~~3~~ 2 percent annually, based on
18 the most recent county population projections from the
19 Department of Finance.

20 *(d) Commencing with October 1, 2007, the Office of Planning*
21 *and Research and the Department of Housing and Community*
22 *Development shall monitor the implementation of this section,*
23 *pursuant to Section 65400.*

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 a local agency or school district has the authority to levy service
27 charges, fees, or assessments sufficient to pay for the program or
28 level of service mandated by this act, within the meaning of
29 Section 17556 of the Government Code.